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11 HONEYWELL INTERNATIONAL INC., *f/k/a*
12 AlliedSignal Inc., Successor-In-Interest To
13 The Bendix Corporation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Toy Asbestos Litigation

Case No. 4:19-cv-00325-HSG

STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND JANUARY 10, 2020
SCHEDULING ORDER FOR THE
LIMITED PURPOSE OF ALLOWING
HONEYWELL'S EXPERT PETER
ENGLISH TO TAKE PLACE AFTER
APRIL 27, 2020 DEADLINE AND
RELATED DAUBERT SCHEDULE
(as modified)

Trial Date: July 27, 2020
Date Removed: January 18, 2019

Pursuant to Civil Local Rule 6-1(b), and Fed. R. Civ. P. 16(b)(4), Plaintiffs Agnes Toy and Thomas Toy, Jr. ("Plaintiffs") by and through their attorneys of record, and Defendant Honeywell International Inc. ("Honeywell") by and through its attorneys of record, hereby stipulate to an extension as follows:

Case No. 4:2019-cv-00325-HSG

STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND DEFENSE DEPOSITION DEADLINE FOR LIMITED PURPOSE OF DEPOSING PETER ENGLISH AND ANY RELATED DAUBERT MOTIONS THERETO

1 1. On January 10, 2020 this Court entered a Scheduling Order setting forth certain deadlines,
 2 including an April 27, 2020 deadline for defense expert depositions and a May 6, 2020 deadline
 3 for Daubert motions. (ECF Docket No. 348).

4 2. Peter English, M.D., Ph.D., is Honeywell's state-of the art expert. Dr. English's Fed R.
 5 Civ. P. Rule 26(a)(2) disclosure and report were timely disclosed to all parties on February 17,
 6 2020. Honeywell offered, and Plaintiffs noticed Dr. English's deposition for April 24, 2020.

7 3. Honeywell recently learned Dr. English was not available for deposition on April 24, 2020,
 8 as he is currently under a shelter in place order, due to the Covid-19 pandemic in North Carolina,
 9 and not at his usual home office where his laptop and materials are situated.

10 4. Having met and conferred, Plaintiffs and Defendant Honeywell by and through their
 11 respective counsel of record, enter into this stipulation to modify this Court's January 10, 2020
 12 scheduling order for the limited purpose of allowing Dr. English's deposition to take place after
 13 the April 27, 2020 deadline and to modify any *Daubert* motions and hearing date related thereto.

14 5. As a condition of this stipulation, Honeywell and Plaintiffs have agreed that Dr. English
 15 will not offer a supplemental report and/or modify the opinions that are already contained in his
 16 original report, served on February 17, 2020.

17 6. Honeywell has represented to Plaintiffs that Dr. English's unavailability due to the
 18 Coronavirus Shelter in Place Orders was unforeseeable to Honeywell. As such, Honeywell
 19 believes good cause exists pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure to
 20 extend the deposition deadline, the filing date of any *Daubert* motion and hearing date thereto,
 21 concerning Dr. English in this case. Plaintiffs do not oppose Honeywell's request.

22 Based on the foregoing, Plaintiffs and Honeywell have agreed to a modification of certain
 23 deadlines in the current January 10, 2020 scheduling order, and hereby request and submit the
 24 following Stipulation and Proposed Order relating to Dr. English.

Matter	Current Deadline	Parties Proposed New Date:
Deadline to Depose Dr. English	April 27, 2020	June 4, 2020 at 10:00 a.m. (ET)
<i>Daubert</i> Motion Filing	May 6, 2020	June 18, 2020

1 Deadline Regarding Dr. English		
3 Hearing date for <i>Daubert</i> Motion Regarding Dr. English	June 4, 2020	June 25, 2020 at 2:00 p.m.

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7 Dated: May 8, 2020

Dean, Omar, Branham, Shirley, LLP

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9 By: /s/ Benjamin Adams
10 BENJAMIN ADAMS
11 Attorneys for Plaintiffs
12 Agnes Toy and Thomas Toy, Jr.

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14 Dated: May 8, 2020

ONGARO PC

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16 By: s/Kirsten McNelly Bibbes
17 KIRSTEN MCNELLY BIBBES
18 Attorneys for Defendant
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20 AlliedSignal Inc., Successor-in-Interest to The
21 Bendix Corporation
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~~PROPOSED~~ ORDER

2 PURSANT TO STIPULATION between the parties, it is hereby ORDERED that the
3 January 10, 2020 case schedule is modified as shown above and that Plaintiffs and Honeywell
4 shall comply with the modified schedule listed above except the hearing on the Daubert Motion Re
5 Dr. English will be held on July 2, 2020 at 2:00 p.m.

6 | 5/11/2020

Haywood S. Gill Jr.

DATE.

**HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT COURT JUDGE**